

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

KEVIN HERTZ, a California resident, et al.

Defendants.

No. CV04-2219C

ORDER ENTERING PERMANENT
INJUNCTION AGAINST
DEFENDANT NAZERPOUR AND
RELATED PERSONS PURSUANT TO
FED. R. CIV. P. 65(D)

Based on the Stipulation of the parties, it is hereby ORDERED as follows:

1. Pursuant to Federal Rule of Civil Procedure 65(d), Alex Nazerpour, as well as his agents, officers, contractors, directors, shareholders, employees, subsidiary companies or entities, affiliated or related companies and entities, assignees, and successors-in-interest, and those in active concert or participation with them (collectively, "Nazerpour"), are permanently enjoined from:

a. sending, transmitting, or advertising in, or directing, aiding, facilitating or conspiring with others to send, transmit, or advertise in, any commercial electronic communication of any kind that is in violation of any state or federal law, including but not limited to the CAN-SPAM Act of 2003, the Washington Commercial

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KALFAYAN AND RELATED PERSONS- 1
CASE NO. C04-2219C

PRESTON GATES & ELLIS LLP
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1 Electronic Mail Act, California Bus. & Prof. Code §§ 17529, 17538, the federal
2 Computer Fraud and Abuse Act (18 U.S.C. §1030), the civil enforcement provisions
3 of California Penal Code § 502, or common law trespass to chattels or conversion; and

4 b. using, or directing, aiding, facilitating, causing, or conspiring with
5 others to use the computers or computer networks of Microsoft's communication
6 services—including but not limited to MSN Internet Access or MSN Hotmail—in
7 violation of or inconsistent with MSN Terms of Use located at
8 <<http://privacy.msn.com/tou/>>, or the anti-spam policy incorporated therein located at
9 <<http://privacy.msn.com/antispam/>>; and

10 c. obtaining, compiling, selling, trafficking in, or trading, or directing,
11 aiding, or conspiring with others to obtain, compile, sell, traffic in, or trade, e-mail
12 addresses for the sending or delivery of any unsolicited bulk or unsolicited
13 commercial electronic communications in violation of any state or federal law; and

14 d. opening, creating or accessing, or directing, aiding, facilitating or
15 conspiring with others to open, create, or access any Microsoft's communication
16 services accounts, including but not limited to MSN Internet Access or MSN Hotmail
17 e-mail accounts, in a manner inconsistent with MSN Terms of Use; and

18 e. selling, offering for sale, or distributing, or directing, aiding, or
19 conspiring with others to sell, offer for sale, or distribute, any software that allows the
20 user to send unsolicited bulk or unsolicited commercial electronic communications to
21 any MSN communication services, including MSN Internet Access or MSN Hotmail,
22 in a manner inconsistent with the MSN Terms of Use or in violation of any state or
23 federal law.

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2. Nazerpour shall provide a copy of this Stipulated Permanent Injunction to each employee, agent, contractor or affiliate acting on their behalf in regard to any electronic marketing within fourteen (14) days of its entry.

ORDER GRANTED this 24th day of August, 2006.



The Honorable John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented by:

PRESTON GATES & ELLIS LLP

By: _____

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KALFAYAN AND RELATED PERSONS- 3
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